

Minneapolis City Planning Department Report

Waiver from Moratorium Application
BZZ - 882

Date: October 29, 2002

Applicant: Brian Carlson

Date Application Complete: October 2, 2002

End of 60 Day Decision Period: December 1, 2002

Address Of Property: 2400 Penn Ave. N.

Contact Person And Phone: Brian Carlson, 763-443-5290

Planning Staff And Phone: Jason Wittenberg, 673-2297

Ward: 3 **Neighborhood Organization:** West Broadway Area Coalition

Existing Zoning: C1

Proposed use: Book store selling used books.

Reason For Waiver: The applicant proposes to open a book store in an existing building within the area covered by the moratorium described below.

Appropriate Section(s) of the Zoning Code: WAIVER FROM CHAPTER 576. PROVIDING FOR A MORATORIUM ON THE ESTABLISHMENT, REESTABLISHMENT OR EXPANSION OF ANY COMMERCIAL OR INDUSTRIAL USE ALONG WEST BROADWAY AVENUE FROM CITY LIMITS ON THE WEST TO THE INTERSECTION OF WEST BROADWAY AND GIRARD AVENUES ON THE EAST, EXTENDING ONE HUNDRED FIFTY (150) FEET ON EACH SIDE OF THE CENTERLINE OF WEST BROADWAY, AND INCLUDING THE AREA BOUNDED BY A ONE-FOURTH (1/4) MILE RADIUS AROUND THE INTERSECTION OF WEST BROADWAY AND PENN AVENUES.

Background:

Site Analysis

Investigation by Licenses Department

Neighborhood Review

The site includes a one-story storefront building with several off-street parking spaces accessible from the public alley. The space in which the applicant intends to open a bookstore is located at the corner of the building—at Penn and Broadway.

Planning staff is unaware of any Licensing issues related to the application.

The applicant met with the West Broadway Area Coalition on August 14, 2002. The organization endorsed the applicant's proposal to open a bookstore at the site.

Limited Site Plan Review Standards (If Warranted):

The applicant should ensure that window obstructions are limited in order to allow for natural surveillance both in and out of the proposed bookstore.

Findings:

Section 576.50 provides that in cases of hardship the City Council may grant a waiver of all or a portion of the applicable restrictions as provided for in Chapter 529 of the zoning code. A waiver may be granted where the City Council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

Hardship: The moratorium would prevent adaptive re-use of vacant space within an existing storefront building.

Affect on planning process: The planning process is nearly complete and has resulted in specific zoning recommendations for properties on West Broadway. The study recommends continued commercial zoning of the property in question. Thus, bookstores would be a permitted use under the proposed zoning classification the property in question.

Recommendation Of The City Planning Department:

The City Planning Department recommends that the City Council adopt the above findings and **approve** the application for a waiver to allow a bookstore in an existing building at 2400 Penn Avenue North.